

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RONALD A. POLK, JO ELLEN POLK
and JEROME POLK

Plaintiffs,

v.

Case No: 05-10134-BC
Honorable David M. Lawson

HURON COUNTY and
RUSSELL LUNDBERG

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, DISMISSING CASE, AND DIRECTING PLAINTIFFS
TO OBTAIN LEAVE OF COURT PRIOR TO FILING FURTHER LAWSUITS**

Presently before the Court is the report issued on June 15, 2005 by Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1, recommending that this Court *sua sponte* dismiss the case and enjoin the plaintiffs from filing further lawsuits without obtaining leave of the Court. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The plaintiffs' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 4] is **ADOPTED** and the complaint is **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** that the plaintiffs, prior to filing any additional lawsuits, seek leave of Court and disclose in writing the legal basis for the suit and the relief requested.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 23, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 23, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS